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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY STORE**
6 **ANTITRUST LITIGATION**

7 THIS DOCUMENT RELATES TO:

8 *Match Group, LLC. et al. v. Google LLC et al.*,
9 Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DEFENDANTS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED RELATING TO
DEFENDANTS' ANSWER, DEFENSES,
AND COUNTERCLAIMS TO MATCH
GROUP'S FIRST AMENDED
COMPLAINT**

Judge James Donato

13 Pursuant to Civil Local Rules 7-11 and 79-5(c-f), Defendants Google LLC, Google
14 Ireland Limited, Google Commerce Ltd., Google Asia Pacific Pte. Ltd., and Google Payment
15 Corp. (collectively, "Google") respectfully submit this Administrative Motion to Consider
16 Whether Another Party's Material Should Be Sealed Relating to Google's Answer, Defenses, and
17 Counterclaims to Match Group's ("Match") First Amended Complaint ("Motion to Seal"). The
18 excerpts at issue in this Motion to Seal are sourced from documents that are designated as "NON-
19 PARTY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY" pursuant to the
20 Protective Order entered by the Court, ECF No. 248. A redacted version of Google's Answer,
21 Defenses, and Counterclaims to Match's First Amended Complaint ("Answer and
22 Counterclaims") has been filed in accordance with the Local Rules.

23 Subsection (f) of Civil Local Rule 79-5 sets forth procedures that apply when a party
24 seeks to file information designated as confidential by another party. Under subsection (e), the
25 "motion must identify each document or portions thereof for which sealing is sought" and "serve
26 the motion on the Designating Party the same day the motion is filed." Pursuant to subsection
27 (f)(1), the Designating Party has seven days to "file a statement and/or declaration" to establish
28

1 why such designated material should be kept under seal pursuant to subsection (c)(1) of Civil
2 Local Rule 79-5.

3 Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a
4 party establishes that the documents are privileged, protectable as a trade secret, or otherwise
5 entitled to protection under the law. A “strong presumption” of access to judicial records applies
6 to dispositive pleadings, and a party seeking to seal those records must show “compelling
7 reasons.” *Primus Grp., Inc. v. Inst. for Env’t Health, Inc.*, 395 F. Supp. 3d 1243, 1267 (N.D. Cal.
8 2019) (citations omitted). Compelling reasons justifying the sealing of court records generally
9 exist “when such court files might have become a vehicle for improper purposes, such as the use
10 of records to gratify private spite, promote public scandal, circulate libelous statements, or release
11 trade secrets.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)
12 (internal quotation marks omitted). However, “[t]he mere fact that the production of records may
13 lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not,
14 without more, compel the court to seal its records.” *Id.*

15 Google identifies the following portions of its Answer and Counterclaims to the Match
16 Complaint as containing information designated as confidential by another party:

Portion Containing Designated Information	Designating Party
Introduction to Answer	Match
Counterclaim ¶ 31	Match
Counterclaim ¶ 33	Match
Counterclaim ¶ 34	Match
Counterclaim ¶ 38	Match

24 Google takes no position on whether the materials identified in this table are privileged,
25 protectable as a trade secret, or otherwise entitled to protection under the law.
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1 Respectfully submitted,

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3 Dated: December 1, 2022

By: /s/ Brian Rocca

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ECF ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: December 1, 2022

By: /s/ Glenn Pomerantz
Glenn Pomerantz